

BASIS FOR THE AMENDMENT

Claims 3, 9, 11, 12, 15-20 and 25 have been canceled.

The amendment of the claims is supported by the priority document (which is incorporated by reference into the specification, see page 154, last paragraph) and by the specification as originally filed.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 1, 8, 10, 13, 14, 21-24 and 26-28 will now be active in this application.

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

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The 102(a) date of Yagi (July 24, 2003) and of Emoto (August 14, 2003) is overcome by the Certified English Translation of the Japanese priority document JP 2002-365782, filed July 9, 2007. The claims have now been amended to be consistent with the priority document. Applicants have thus perfected their claim to priority.

In addition, the present invention and Emoto were commonly owned at the time the invention of the present invention was made. Thus this case qualifies for the exemption under 102(e)/103(c).

Therefore, the rejections of the claims under 35 U.S.C. § 103(a) over Yagi et al, and Emoto et al should be withdrawn.

Applicants have found that a translational error occurred in Claim 1 and a passage at page 7 of the Certified English translation of JP 2002-365782. Accordingly, Applicants are submitting a corrected translation.

The rejections of Claim 24 under 35 U.S.C. § 112, 1st and 2nd paragraphs, is obviated by the amendment of Claim 24.

The objection to Claim 3 is moot in view of the cancellation of Claim 3.

Application No.: 10/670,320

Reply to the Office Action dated: August 24, 2007

Regarding the **provisional** double patenting rejection, the MPEP instructs the Examiner to withdraw the provisional rejection if it is the only issue remaining in one case and convert the provisional rejection in the other application to a double patenting rejection.

MPEP 822.01.

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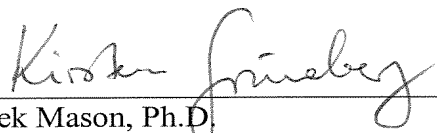
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This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

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